



3G Hawk Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5463
Customer Services: 0303 444 5000
e-mail: Yvonne.Oddy@pins.gsi.gov.uk

Ms Amanda Campbell
London Borough of Ealing
Perceval House
14-16
Uxbridge Road
LONDON
W5 2HL

Your Ref: Legal/South Acton

Our Ref: ROW/3194106

Date: 7 March 2018

Dear Madam

Town and Country Planning Act 1990 - Section 257

Order Making Authority: London Borough of Ealing

Title of Order: The Ealing Public Path Stopping Up (Oldham Terrace Bye-law Footpath) Order 2017

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted to him for confirmation on 20 December 2017.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in that the incorrect notation has been used to depict the footpaths to be stopped up and the map is also the wrong scale.

The Town and Country Planning (Public Path Orders) Regulations 1993 (SI 1993 No. 10) make clear in Schedule 1, Form 1, that the route to be stopped up should be shown by a bold black line. When making the Order your Council has used a hatched area to show the routes to be stopped up as opposed to a bold black line. Our *Advice Note 22 - Use of Correct Notation on Definitive Map Modification Orders and Public Path Orders*, available from the GOV.UK website at <https://www.gov.uk/government/organisations/planning-inspectorate> explains that we consider public path Orders to be fatally flawed if the wrong notation or non-standard notation is used to depict the routes affected by the Order. We will therefore reject any Order containing incorrect notation.

Regulation 2(2) of the Town and Country Planning (Public Path Orders) Regulations 1993 (SI 1993 No.10) requires that the map contained in an order shall be on a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available. It has been noted that whilst the map scale is given as 1:200 @ A1, the map has been printed at A4 size and therefore it is considered that the map attached to this Order is of an incorrect scale.

The Secretary of State takes the view that these constitute fundamental errors which are fatal to the validity of the Order. As he cannot purport to use his power of modification to

correct such an error, he has decided not to exercise his power of confirmation. The sealed Orders are returned herewith and a copy of this letter has been sent to the objectors and all other interested parties.

Yours faithfully

Yvonne Oddy
(Rights of Way Section)